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**BEFORE THE SUBCOMMITTEE ON COAST GUARD AND NAVIGATION
OF THE
HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES**

MAY 16, 1990

Good morning, Mr. Chairman. I am pleased to be here today to participate in the Subcommittee on Coast Guard and Navigation's second hearing on pipeline safety in the marine environment. I appreciate the opportunity to present the Department of Transportation's (the Department) views on the draft legislation to improve navigational safety and to reduce the hazards to navigation resulting from vessel collisions with pipelines in marine environments.

The Research and Special Programs Administration (RSPA), acting through the Office of Pipeline Safety (OPS), has been delegated the responsibility for the administration of the Department's pipeline safety program. At the February hearing in New Orleans, the Subcommittee reviewed the rules and regulations governing interstate and intrastate pipelines. I presented a detailed description of our program, specific regulatory provisions applicable to offshore pipelines, and current program initiatives. I will not repeat that presentation today, except to update you on those initiatives I mentioned in February. Also, pursuant to the

Subcommittee's specific request, I would like to provide the Department's views on the legislation that you are considering introducing.

Update on Initiatives

As you know, RSPA established a special task force to develop solutions to enhance the safety of offshore pipelines and fishing operations. The task force includes RSPA's OPS and representatives of the United States Coast Guard (USCG), the Minerals Management Service (MMS) (part of the Department of the Interior (DOI)), the National Oceanic and Atmospheric Administration, and the U.S. Army Corps of Engineers.

The task force has met twice since the February hearing. At the most recent meeting, a representative from Louisiana attended. Part of the task force's review focuses on existing technology and how to take advantage of new technology, as it becomes available. As I noted in February, one of the difficulties with underwater inspection is the inability of available technology to accurately determine whether the lines are exposed or to measure the depth of cover. We believe that this is of particular significance in shallow water.

One of the purposes of the task force is to consider the three recommendations which were issued by the National Transportation Safety Board (NTSB) as a result of the October 1989 accident involving the fishing vessel Northumberland. The recommendations include: (1) issuing an advisory notice to the commercial fishing, shrimping, and marine vessel operators warning of the dangers of submerged offshore pipelines; (2) identifying the location of offshore pipelines; and (3) determining the effective methods of inspection, maintenance, and protection for offshore pipelines. The task force has made progress on two of the three recommendations: OPS has issued the advisory notice, and the MMS has provided a report that identifies the location of offshore pipelines on the Outer Continental Shelf. The task force will now focus on identifying the remainder of offshore pipelines. The Department plans to respond to the NTSB and to request that the first recommendation be "Closed-Acceptable Action."

With regard to the third recommendation, the task force is continuing to study the effective methods of inspection, maintenance, and protection for offshore pipelines. The task force expects to issue a report by the end of the Summer. The report will include specific actions to enhance the safety of offshore pipelines and fishing vessels operating in proximity to them.

The advisory notice issued by OPS to all operators of natural gas and hazardous liquid pipelines located in offshore waters alerted those operators that exposed pipelines pose a threat to the safety of crews of fishing vessels operating in shallow coastal waters and shipping lanes. The Notice was also sent to the Louisiana Shrimp Association, the Texas Shrimp Association, Southeastern Fisheries Association, National Fish Meal and Oil Association, and the Concerned Shrimpers of America alerting them of the potential hazards of unburied offshore pipelines. Likewise, the USCG is preparing to reissue a similar advisory to mariners that will be distributed by the Coast Guard district offices in the Gulf of Mexico.

With regard to identifying the location of offshore pipelines, the MMS has a complete file on each of the pipelines that it has authorized under an Outer Continental Shelf oil and gas lease, a right-of-use and easement, or a right-of-way. In addition, as required by the Pipeline Safety Reauthorization Act of 1988, RSPA, in a rulemaking action to be initiated this Summer, will propose that operators of natural gas pipelines maintain current maps and records of their pipelines, including offshore pipelines, showing the location of principal pipeline facilities and indicating pipeline characteristics, repairs, inspections, and tests. Operators of hazardous liquid pipelines are now required to maintain current maps and records, including offshore pipelines, similar to those proposed for gas lines. In addition, gas and

hazardous liquid pipeline operators will be required to (1) maintain certain information about the operation of their pipelines, and submit it, upon request, to OPS or a state pipeline safety agency and (2) maintain inventories of all types of transmission pipe and related information, and annually report specific parts of these inventories to OPS.

Some of the long term solutions we are evaluating include proposed regulations to (a) remove abandoned pipelines that will no longer be used in water less than 22-feet deep, (b) require 4-foot burial of pipelines up to water depths of 22 feet and 3-foot burial from 22 feet to 200 feet of water depth, and (c) periodic monitoring of burial of pipelines in water less than 22-feet deep. Other agencies in the task force are also considering regulations to address the problems associated with exposed offshore pipelines.

RSPA's Views on the Proposed Legislation

Under the Natural Gas Pipeline Safety Act of 1968 (NGPSA) and the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA), OPS is responsible for regulating the safe transportation of natural gas and other gases and hazardous liquids by pipeline. Under its current authority granted by the NGPSA and the HLPSA, the Secretary already has the power to take the actions prescribed in the draft bill. However, if the Subcommittee believes this power should be enhanced, it may wish to enhance the Department's responsibilities

under these statutes, instead of amending the Ports and Waterways Safety Act. The direction in the bill that the Coast Guard inspect offshore pipelines in marine environments, fails to recognize that this is a function not traditionally performed by the Coast Guard and for which they do not have specialized expertise.

In addition, while we envision possible rulemaking actions to address some of the issues which you have raised in your proposed legislation, some of the current regulations already address those issues, although not to the extent proposed in the bill. For instance, the current regulations require cover of 36 inches of soil or 18 inches of consolidated rock for offshore pipeline facilities in water less than 12-feet deep while the bill proposes 22-feet deep. The requirement in the bill for cover of 48 inches of soil or 24 inches of consolidated rock for pipeline facilities in navigable waters other than offshore locations is also a current regulation for natural gas pipelines. Consequently, with necessary adjustments, our current regulatory program could achieve the goals of the bill. I urge the Subcommittee to permit the several concerned federal agencies to complete their work in the task force and develop appropriate responses within the context of current statutory authority and regulatory programs.

Conclusion

In conclusion, I believe that the Department has initiatives underway that will, when completed, achieve the enhanced safety of offshore pipelines that this Subcommittee is seeking. Because the issues involved cut across the jurisdiction and programs of several agencies, the task force approach to identifying solutions within existing and broad statutory authority is an appropriate means to resolve those issues.

Chairman Tauzin, and members of the Subcommittee, again I pledge to you the support and cooperation of the Department in seeking solutions to these issues in a timely and effective manner.